

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:17CR00332 JAR
)	
RAMON LUINA III,)	
)	
Defendant.)	

**MOTION OF THE UNITED STATES
FOR A FINAL ORDER OF FORFEITURE**

COMES NOW the United States of America, by and through its attorneys, Jeffrey B. Jensen, United States Attorney for the Eastern District of Missouri, and Kyle T. Bateman, Assistant United States Attorney for said District, and moves this Court to issue a Final Order of Forfeiture in the above-captioned case. In support thereof, the United States sets forth the following:

1. On July 26, 2017, Defendant Ramon Luina III pled guilty to Count One of an Information charging mail fraud, in violation of Title 18, United States Code, Section 1341.
2. On October 18, 2017, based on Defendant Ramon Luina III's guilty plea to the Information and the signed Guilty Plea Agreement, this Court entered a Preliminary Order of Forfeiture ordering the forfeiture of any property, real or personal, constituting or derived from any proceeds traceable to the offense alleged in Count One, including the forfeiture of the following specific property to the United States (together, the "Subject Property"):
 - a. 2011 Nissan Armada, VIN# 5N1AAONE4BN624505.
3. The Preliminary Order of Forfeiture also included a forfeiture money judgment against Defendant equal to the amount of restitution ordered at sentencing.

4. Defendant was sentenced on November 6, 2017, and was ordered to pay restitution in the amount of \$2,257,413.04.

5. Based upon the evidence in Defendant's Plea Agreement, the United States has established that Defendant had an interest in the Subject Property and that the requisite nexus exists between the Subject Property and the offense to which Defendant has pleaded guilty.

6. Pursuant to Federal Rule of Criminal Procedure Rule 32.2(b)(6) and Title 21, United States Code, Section 853(n)(1), the United States posted notice of the Preliminary Order of Forfeiture on an official internet government forfeiture site (www.forfeiture.gov) for at least 30 consecutive days beginning on October 31, 2017, and ending on November 29, 2017. Said published notice advised all third parties of their right to petition the Court within thirty (30) days of the publication date for a hearing to adjudicate the validity of their alleged legal interest in the Subject Property.

7. The United States sent direct written notice, to the extent practicable, to any person who reasonably appeared to be a potential claimant with standing to contest the forfeiture in the ancillary proceeding.

8. On December 11, 2017, Susan Luina filed a Petition for Return of Property for the Subject Property (hereafter, the "Petition"). ECF No. 35.

9. On June 25, 2018, this Court entered an order dismissing the Petition. ECF No. 42.

10. No other third party has made any claim to or declared any interest in the Subject Property within the time permitted under the applicable statutes.

11. Because no other party has timely filed a petition claiming an interest in the Subject Property, the Preliminary Order should now be made final pursuant to Federal Rule of Criminal Procedure 32.2(c)(2).

WHEREFORE, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure, the United States moves this Court for a Final Order of Forfeiture declaring the Subject Property as set forth in paragraph 2 above to be forfeited as to all parties, vesting full right, title, and interest in the Subject Property in the United States, directing that the Subject Property be disposed of according to law and entering a forfeiture money judgment against Defendant and in favor of the United States in the amount of \$2,257,413.04. The United States submits herewith its proposed Final Order of Forfeiture.

Dated: June 25, 2018

Respectfully submitted,

JEFFREY B. JENSEN
United States Attorney

/s/ Kyle T. Bateman
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CERTIFICATE OF SERVICE

I hereby certify that on June 25, 2018 the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon all counsel of record.

/s/ Kyle T. Bateman
KYLE T. BATEMAN, #996646DC
Assistant United States Attorney